

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	
)	Case No. 1:11-cr-00074-001
v.)	
)	Judges Mattice/Steger
MICHAEL MCKINNEY)	

MEMORANDUM AND ORDER

MICHAEL MCKINNEY (“Defendant”) came before the Court for an initial appearance on March 12, 2019, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (“Petition”) [Doc. 97].

After being sworn in due form of law, Defendant was informed of his privilege against self-incrimination under the 5th Amendment and his right to counsel under the 6th Amendment to the United States Constitution.

The Court determined Defendant wished to be represented by an attorney and that he qualified for the appointment of an attorney to represent him at government expense. Consequently, the Court **APPOINTED** attorney John Brooks to represent Defendant.

Defendant was furnished with a copy of the Petition and had an opportunity to review that document with his attorney. The Court determined that Defendant was able to read and understand the Petition with the assistance of his counsel. In addition, AUSA Terra Bay explained to Defendant the specific charges contained in the Petition. Defendant acknowledged he understood the charges in the Petition.

The Government moved Defendant be detained pending disposition of the Petition or further Order of this Court. The Court explained Defendant’s right to a preliminary hearing and detention hearing and what those hearings entail. After conferring with his counsel, Defendant requested a preliminary hearing and a detention hearing. At Defendant's counsel's request, the detention hearing was scheduled on **Friday, March 15, 2019 at 10:00 a.m.**

Because a presumption exists that Defendant is a flight risk and a danger to the community, and Defendant has not yet carried the burden of establishing by clear and convincing evidence that he will not flee or pose a danger to any other person or to the community, Defendant will remain incarcerated pending his preliminary hearing and detention hearing

It is, therefore, **ORDERED** that:

1. Defendant shall be detained pending his preliminary hearing/detention hearing or further order of this Court.
2. The United States Marshal's service shall transport Defendant to the hearing on **Friday, March 15, 2019 at 10:00 a.m.**
3. Counsel for Defendant and the Government shall confer and make best efforts to submit to United States District Judge Mattice a proposed Agreed Order with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision.
4. In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petition for Warrant for Offender Under Supervision, they shall request a hearing before United States District Judge Mattice.

ENTER.

/s/ Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE